

UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF TENNESSEE  
AT GREENEVILLE

UNITED STATES OF AMERICA                    )  
  )  
v.    )     NO. 2:09-CR-52  
  )  
ANTONIO B. GAINES                            )

**ORDER**

This criminal matter is before the Court to consider the Report and Recommendation of the United States Magistrate Judge dated September 11, 2008. [Doc. 56]. The Magistrate Judge recommends that the defendant's motion to suppress evidence that was recovered by law enforcement officers on March 28, 2009, during the warrantless search of his motel room, be denied. The defendant has filed an objection to this report. [Doc. 66].

After careful and *de novo* consideration of the Report and Recommendation of the United States Magistrate Judge, the defendant's objection to that Report and Recommendation, the defendant's motion to suppress, the response of the government, the transcript of the hearing held on September 9, 2009, after listening to the 911 CD furnished by the defendant, and for the reasons set out in that Report

and Recommendation, which are incorporated by reference herein, it is hereby **ORDERED** that this Report and Recommendation is **ADOPTED** and **APPROVED**, and that the defendant's motion to suppress is **DENIED**. [Doc. 26].

ENTER:

s/J. RONNIE GREER  
UNITED STATES DISTRICT JUDGE